

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

EDDIE L. FOREMAN, JR.,)
Plaintiff,)
v.)
CASE NO. 3:05-CV-1134-WKW
JAY JONES, et al.,)
Defendants.)

ORDER

The Magistrate Judge filed a Recommendation (Doc. #18) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Report and Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Report and Recommendation (Doc. # 18) of the Magistrate Judge is ADOPTED;
2. The defendants' motion for summary judgment (Doc. # 12) is GRANTED to the extent that the defendants seek dismissal of this case for the plaintiff's failure to exhaust an available administrative remedy; and
3. This case is DISMISSED without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a).

An appropriate judgment will be entered.

Done this 21st day of March, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE